

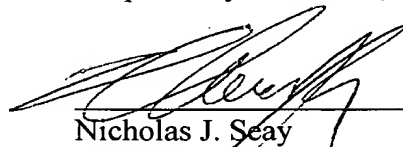
point where the detection of viruses in biological samples taken from people is within the ability of one of ordinary skill of the art. A wide variety of techniques are known, based on DNA or immunological analysis, that are capable of detecting viruses in a biological sample. The invention here is identifying what virus had to be detected. The method of detection of the virus is not inventive and can be done by standard means. For example, DNA sequence about the virus is known, and a PCR analysis of DNA in the biological sample for DNA of the virus can be conducted. This is well within the skill of the art and such detailed methods need not be recited in this application. The invention here is the discovery that the virus causes obesity, not the particular method used to identify the virus. Accordingly, it is requested that this ground of rejection be reconsidered and withdrawn.

It is still believed that the declaration as submitted is sufficient to overcome the rejection under 102(a). A 131 declaration might be appropriate, but the declaration submitted is clearly sufficient as an In re Katz-type declaration to establish the proper inventors of this application. Accordingly, reconsideration of the rejection on this basis is also requested.

Lastly, Claims 5 and 6 are rejected also as being incomplete for omitting essential steps. Again the applicants assert that these essential steps are well know to those of ordinary skill in the art. Hybridization assays are commonly conducted in the art and determining conditions such as the level of stringency and methods for detecting the results are variables well within the ambit of those or ordinary skill in the art. It is requested that this ground of rejection be reconsidered and withdrawn.

Wherefore reconsideration of the merits of this entire application is respectfully requested.

Respectfully submitted,



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